

Docket No.: BHC 04 1035  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: Heike Gielen-Haertwig Docket No: BHC 04 1035 PCT-US  
Serial No: 10/589,907 Group Art Unit: 1624  
Filed: June 29, 2007 Examiner: Emily B Burnhardt  
Confirmation No: 1084  
Title: DIHYDROPYRIDINONE DERIVATIVES

**REPLY, UNDER 37 C.F.R. §1.111**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Reply is submitted, under 37 C.F.R. §1.111, in response to an Office Action, mailed May 24, 2011. A terminal disclaimer is transmitted herewith. Applicants request reconsideration in view of the following remarks. No listing of claims is included, as no amendments have been made to the claims, herein.

**1. Rejection of Claims 4, 5, 14, and 21, under 35 U.S.C. §103(a) over Gielen (WO 2004020410)**

Claims 4, 5, 14, and 21 were rejected as being obvious over Gielen, a reference that constitutes prior art only under 35 U.S.C. §102(e). 35 U.S.C. §103(c)(1) states:

“Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Applicants submit that the subject matter of Gielen and the claimed invention were, at the time the claimed invention was made, owned by the same organization, BAYER